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POSTSECONDARY EDUCATION COMMISSION PERSONNEL - CIVIL SERVICE

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POSTSECONDARY EDUCATION COMMISSION PERSONNEL—CIVIL SERVICE

Ballot Title

POSTSECONDARY EDUCATION COMMISSION PERSONNEL—CIVIL SERVICE. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends California Constitution Article XXIV, Section 4, to exempt from civil service provisions the chief administrative officer and three deputies of the California Postsecondary Education Commission. Financial impact: This measure involves little or no fiscal effect.

FINAL VOTE CAST BY LEGISLATURE ON ACA 86 (PROPOSITION 3):

ASSEMBLY—Ayes, 54
 Noes, 7

SENATE—Ayes, 28
 Noes, 5

Analysis by Legislative Analyst

PROPOSAL:

Every state officer and employee, unless specifically exempted by the Constitution, is under the State Civil Service System and subject to its rules and procedures. Those exempted include publicly elected officers and those appointed by the Governor, officers and employees of the legislative and judicial branches of government, officers and employees of the University of California and the California State University and Colleges, and certain public school employees.

This proposition would exempt from the State Civil Service System the Chief Administrative Officer and three deputies of the California Postsecondary Educa-

tion Commission. This commission, established April 1, 1974, is responsible for coordinating all higher education activities and for providing related information and recommendations.

FISCAL EFFECT:

The cost effect of this proposition would depend upon any difference between the salary levels established by the State Department of Finance for these exempted positions and the salary levels that would otherwise be established by the State Personnel Board for civil service positions. We believe any such difference would be minor.

Remember to Vote on Election Day

Tuesday, November 5, 1974

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 86 (Statutes of 1974, Resolution Chapter 92) expressly amends an existing section of the Constitution by adding a subdivision thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XXIV

SEC. 4. The following are exempt from civil service:

- (a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.
- (b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.
- (c) Officers elected by the people and a deputy and an employee selected by each elected officer.
- (d) Members of boards and commissions.
- (e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.
- (f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees

of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

(n) *The chief administrative officer and three deputies of the California Postsecondary Education Commission.*

Study the Issues Carefully

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- (e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.
- (f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees

of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

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(n) *The chief administrative officer and three deputies of the California Postsecondary Education Commission.*

Study the Issues Carefully

Postsecondary Education Commission Personnel--Civil Service

Argument in Favor of Proposition 3

Proposition 3 is a scaled-down version of a ballot measure narrowly defeated in the June election despite substantial legislative and editorial support. It simply exempts an additional three positions from civil service regulations for California's new Postsecondary Education Commission. Because of the importance of this issue, the Legislature—by over a two-thirds majority—has asked the citizenry to consider this proposition again.

Proposition 3 will enable our Postsecondary Education Commission to improve statewide planning and coordination of education beyond the high school level.

Our Constitution wisely guarantees civil service status for almost all state employees. But it automatically grants one top exempt position to each state agency and provides more where justified and approved by the voters. The three additional exemptions will give the Commission needed flexibility for attracting the most highly qualified persons to fulfill its sensitive role.

Nearly 1½ million students attend our two hundred private and publicly supported colleges and universities. Additionally, there are hundreds of vocational, trade, and business schools. There has been little effective planning and coordination between them.

In order to better meet California's educational needs, and to save more taxpayer dollars, the Governor and Legislature created the Postsecondary Education Commission. It is responsible for preparing a comprehensive five-year plan for California postsecondary education which will integrate the programs and plans for our various public and private institutions. The Commission advises the Governor, the Legislature, and the educational institutions themselves, in an effort to provide better and more economic educational decisions.

The entire staffs of the University of California and the California State University and Colleges are exempt from civil service regulations. The Commission—which has planning and coordinating responsibilities relating to these two large public systems—needs similar freedom.

A few individuals have expressed their fears that Proposition 3 would inject "politics" into postsecondary education by providing for "political appointees". Political interference is neither the intent nor the likely effect of Proposition 3.

The Legislature and Governor have provided that the composition and membership of the commission will be representative of major educational interests and the public at large. Its composition **inhibits** the possibility of political influence. Its membership includes representatives of the University of California, the California State University and Colleges, private colleges, the California Community Colleges, the State Board of Education, vocational education, and proprietary institutions. In addition, 12 public members are appointed in equal numbers by the Governor, Speaker of the Assembly, and Senate Rules Committee. It is **extremely unlikely** that any particular political or educational philosophy will dominate.

The Postsecondary Education Commission replaces an agency which could not get the job done. It seems essential that the Commission and its director have the flexibility to hire the individuals who can get the job done. Likewise, they need the flexibility to replace individuals who are not getting the job done.

The proponents of Proposition 3 are Republicans, Democrats and liberals and conservatives. We are committed to improving California postsecondary education.

Help yourself and all Californians to better planned and more economic postsecondary education.

VOTE "YES" ON PROPOSITION 3.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

STEPHEN P. TEALE, M.D.
Chairman, California Postsecondary Education Commission

Rebuttal to Argument in Favor of Proposition 3

The proponents of Proposition 3 have stated that when the nearly identical Proposition 7 was defeated in the June election it happened in spite of substantial legislative and editorial support. This begs the question.

Bringing this measure back for its second attempt at passage is an arrogant display of the disregard of the

people's wishes. I'm sure that many Republicans, Democrats, conservatives and liberals will object to this heavy-handed abuse of the election process and will join with me in voting NO on Proposition 3.

ROBERT H. BURKE
Assemblyman, 70th District

Postsecondary Education Commission Personnel--Civil Service

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Argument Against Proposition 3

This is essentially the same Proposition (Proposition 7) that was on the June ballot and defeated by the voters. It has no business being placed on the ballot within 5 months of the last election. By even being brought back again so soon after its rejection, Proposition 3 is not only an affront to our election system but to the people who are literally being coerced by its presence on the ballot. I have no quarrel with the content of the measure but the issue hasn't changed, the arguments haven't changed. The following is the argument used in the June ballot pamphlet:

"Each election year we are asked to vote for many propositions. There is no compelling need for this proposition.

"Exempting employees of the State of California from civil service status usually has the effect of turning such

employees into 'political appointees' and to pay them more than they would otherwise be entitled to receive.

"There are some unique circumstances which justify an exempt status, however, we do not feel that staff employees of the California Postsecondary Education Commission should be categorized as a unique circumstance. These individuals are employed by the people of the State to conduct the State's business and therefore ought to be subject to all the rules and regulations which apply to state employees. The civil service was established to keep politics out of State government and we see no valid reason to make an exception in this case. /signed/ GEORGE DEUKMEJIAN, Senator, 37th District, and JOHN V. BRIGGS, Assemblyman, 35th District."

ROBERT H. BURKE
Assemblyman, 70th District

Rebuttal to Argument Against Proposition 3

The opposition argument is incorrect. Proposition 3 is not "essentially the same" as the proposition which appeared on the June ballot. Proposition 3 proposes forty percent fewer exemptions than the first ballot measure.

We believe that the major reason for the defeat of the previous proposition was because of the measure's ambiguous title. It neither identified the small number of exemptions nor described the educational function of the affected state agency.

The author of the opposition argument writes that he has no quarrel with the content of Proposition 3. This implies that he supports the concept; he simply does not believe the issue should be brought back to you for a vote. As we have previously noted, however, this is not the same proposition.

The California Postsecondary Education Commission is a new state agency with a long list of responsibilities. Its director is exempt from civil service and is just now being selected through a national search process. Since

the top three deputies will also have a tremendous impact on California's postsecondary education system, we believe the same kind of process should be utilized for filling these important positions.

The opposition argument contends that individuals would be paid more than they would otherwise be entitled to receive. The salaries of all state employees—whether under civil service jurisdiction or not—are subject to the scrutiny of the State Dept. of Finance and the Legislative Analyst and to the approval of the Legislature and Governor.

VOTE "YES" ON PROPOSITION 3.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

STEPHEN P. TEALE, M.D.
Chairman, California Postsecondary Education Commission